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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Markus Wolfram

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EXAMINER

HOOK, JAMES F

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

06/23/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/542,730	Applicant(s) WOLFRAM ET AL.	
	Examiner James F. Hook	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-21, 23-28, 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) 3-6, 13, 16, 17, 20, 21, 38 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7-11, 14, 15, 18, 19 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

It should be noted that claims 3, 4, 13, 16, 17, 20, and 21 are improperly labeled with incorrect status identifiers where all of these claims are in fact withdrawn and the word withdrawn should appear for all of the claims, in addition to currently amended where appropriate.

Election/Restrictions

With respect to claims 20 and 21, these claims were set forth by applicant in response to the restriction requirement as being drawn to a non-elected species, and if applicant felt these claims read upon the elected figure then such should have been originally listed as being drawn to the elected species and such would have been originally examined, however, since applicant did not list these claims as readable on the elected species, and did not argue with the examiners original assessment that claim 20 reads upon figure 2 which is a non-elected figure, such is still considered withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oldham (FR 2197140) in view of Blin. The reference to Oldham discloses all of the recited structure with the exception of forming the ring sleeve with a wave shape running in the axial direction, and where the sequential wave peaks of the ring sleeve exhibit a decreasing radial height going towards the free end of the ring sleeve. The reference to Blin discloses the recited pipe comprising a multilayered tube structure 5 provided with a ring sleeve 2 having sequential wave peaks 10 and a decreased radial height wave peak near 20a going towards the free end of the ring sleeve. It would have been obvious to one skilled in the art to modify the ring sleeve in Oldham by forming such with sequential wave peaks that have decreasing radial height going towards the free end of the ring sleeve as suggested by Blin where such would allow for easier insertion of the ring sleeve within the pipe.

Claims 8-11, 18, 19, and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montaron (EP 266810) in view of Blin. The reference to Montaron discloses all of the recited structure with the exception of forming the ring sleeve with a wave shape running in the axial direction, and where the sequential wave peaks of the ring sleeve exhibit a decreasing radial height going towards the free end of the ring sleeve. The reference to Blin discloses the recited pipe comprising a multilayered tube structure 5 provided with a ring sleeve 2 having sequential wave peaks 10 and a decreased radial height wave peak near 20a going towards the free end of the ring sleeve. It would have been obvious to one skilled in the art to modify the ring sleeve in Montaron by forming such with sequential wave peaks that have decreasing radial

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height going towards the free end of the ring sleeve as suggested by Blin where such would allow for easier insertion of the ring sleeve within the pipe.

Claims 8-11, 18, 19, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (DE 1932448) in view of Blin. The reference to Klein discloses all of the recited structure with the exception of forming the ring sleeve with a wave shape running in the axial direction, and where the sequential wave peaks of the ring sleeve exhibit a decreasing radial height going towards the free end of the ring sleeve. The reference to Blin discloses the recited pipe comprising a multilayered tube structure 5 provided with a ring sleeve 2 having sequential wave peaks 10 and a decreased radial height wave peak near 20a going towards the free end of the ring sleeve. It would have been obvious to one skilled in the art to modify the ring sleeve in Klein by forming such with sequential wave peaks that have decreasing radial height going towards the free end of the ring sleeve as suggested by Blin where such would allow for easier insertion of the ring sleeve within the pipe.

Claims 1, 2, 7-11, 14, 15, 18, 19, and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLarty in view of Blin. The reference to McLarty discloses the recited transport pipe where the use of such for concrete is merely intended use and the pipe of McLarty is capable of use with concrete, comprising an inner pipe of abrasion resistant plastic 1, at least one joint element 6,3 joined on an external end of the inner pipe, a radially extending collar and a concentric ring sleeve to the inner pipe, at least the internal pipe connected to the joint element, the radially projecting collar includes a ring step inwardly toward the inside of the pipe and recessed such that the

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ring shaped end face near 10 and 7 engages the inner pipe inside of the ring step, the end face is flush, an outer sleeve reinforcing jacket 2 of reinforce fiber impregnated plastic matrix, the joint element has an wavy face formed by member 3, epoxy binds it as an adhesion promoter, the fibers are glass, the matrix material is epoxy, the fibers are a mat form, the wave form of the joint element forms a tapered face at the free end as seen in the figure. The reference to McLarty discloses all of the recited structure with the exception of what materials are used such as polyurethane (pu), providing pins or bolts to hold the parts together, and forming the waves of decreasing outer extent and providing more than one wave, however these are considered merely choices of mechanical expedients. It would have been obvious to one skilled in the art to modify the inner liner and connector of McLarty by forming such of PU, and providing pins or bolts to hold them together as such are merely choices of mechanical expedients and are old and well known in the art where only routine skill and experimentation are required to achieve optimum results. The reference to Blin discloses the recited pipe comprising a multilayered tube structure 5 provided with a ring sleeve 2 having sequential wave peaks 10 and a decreased radial height wave peak near 20a going towards the free end of the ring sleeve. It would have been obvious to one skilled in the art to modify the ring sleeve in McLarty by forming such with sequential wave peaks that have decreasing radial height going towards the free end of the ring sleeve as suggested by Blin where such would allow for easier insertion of the ring sleeve within the pipe.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 7-11, 14, 15, 18, 19, and 23-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Baldwin (898 an 443), New, and Washkewicz disclosing state of the art hoses and connectors.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James F. Hook/
Primary Examiner, Art Unit 3754

JFH